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## FISCAL IMPACT REPORT

SPONSOR:     Martinez     DATE TYPED:   2/18/03   HB                     

SHORT TITLE:   County Detention Facility Reform Act   SB   480  

ANALYST:   Reynolds-Forte  

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
	\$63,600.0			Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### REVENUE

Estimated Revenue		Subsequent Years Impact	Recurring or Non-Rec	Fund Affected
FY03	FY04			
	\$63,600.0		Recurring	New Fund

(Parenthesis ( ) Indicate Revenue Decreases)

Duplicates HB556  
Relates to Appropriation in the General Appropriation Act

### SOURCES OF INFORMATION

Responses Received From  
New Mexico Corrections Department

### SUMMARY

#### Synopsis of Bill

SB 480 enacts the County Detention Facility Reform Act, creates a county detention facility reform fund and appropriates \$63,600.0 to the fund. The fund is to be used by the Corrections Department to reimburse counties for the incarceration of an offender convicted of a felony who 1) is charged with a parole violation; 2) while on parole, is charged with a crime; 3) is awaiting

transport to the department after a pronouncement of commitment to the department; 4) is charged with a probation violation; 5) is sentenced to incarceration in a county jail; or 6) is incarcerated on the basis of a Corrections Department's arrest and hold order.

The bill repeals Section 33-3-3, which provides that the county jails shall be used to commit those lawfully detained.

### **FISCAL IMPLICATIONS**

SB480 creates a new county detention facility reform fund, which is to be administered by the Corrections Department and appropriates \$63,600.0 from the general fund to the fund for FY04. Any unencumbered or unexpended balance remaining at the end of a fiscal year shall not revert to the general fund but remain in the fund for subsequent fiscal year use.

The Corrections Department notes that, based on SB480 requirements, there is a substantial possibility the claims for reimbursement will exceed the appropriation. The Department is concerned about what will happen once the fund is exhausted.

The department is currently appropriated \$1,000.0 per year in the General Appropriation Act to reimburse counties who incarcerate state offenders that violate their parole. Section 3, Item A of the bill seems to address these same violators.

### **ADMINISTRATIVE IMPLICATIONS**

The bill will result in a dramatic increase in the administrative burden on many Department personnel who will be required to administer this new fund. The Department will be unable to absorb this additional administrative burden.

### **TECHNICAL ISSUES**

On page 3, line 2; it is unclear what the phrase "removed by the district court to incarceration" means.

It is unclear why the repeal of Section 33-3-3 is necessary. Such repeal may allow the county jails to simply refuse to house inmates who are lawfully committed.

### **OTHER SUBSTANTIVE ISSUES**

The Corrections Department suggests that an alternative to appropriating the funds to the Corrections Department would be to appropriate the money directly to the various counties, which would eliminate the substantial increase in the administrative burden upon the Corrections Department.

**PRF/sb:njw:prr**